

Notice of Allowability

Application No.

09/823,772

Examiner

Richard G Hutson

Applicant(s)

MOLLET ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 2/10/2004.
2. ☒ The allowed claim(s) is/are 1,2,5-8 and 15-20.
3. ☒ The drawings filed on 30 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Richard G Hutson, Ph.D.
Primary Examiner
Art Unit: 1652

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rodney Fuller on 2/10/2004.

The application has been amended as follows:

Replace claim 1 with the following:

1. A bacterial strain of *B. subtilis*, wherein the *ywfl* gene, involved in the biosynthesis of iso-valeric acids, has been deleted or is essentially non-functional, such that the strain is essentially devoid of any capability for iso-valeric acid production.

2. Replace "B. subtilis" with "*B. subtilis*" and replace "B. natto" with "*B. natto*".

5. Replace "B. subtilis" with "*B. subtilis*".

6. Replace "B. subtilis" with "*B. subtilis*".

7. Replace "B. subtilis" with "*B. subtilis*".

8. Replace "B. subtilis" with "*B. subtilis*".

Replace claims 15 with the following:

Art Unit: 1652

15. A bacterial strain of *B. subtilis*, wherein the *ywfl* gene, involved in the biosynthesis of iso-valeric acids, has been deleted, such that the strain is essentially devoid of any capability for iso-valeric acid production.

16. Replace "B. subtilis" with "*B. subtilis*" and replace "B. natto" with "*B. natto*".

17. Replace "B. subtilis" with "*B. subtilis*".

18. Replace "B. subtilis" with "*B. subtilis*".

19. Replace "B. subtilis" with "*B. subtilis*".

20. Replace "B. subtilis" with "*B. subtilis*".

Specification

Please replace paragraph [001] with the following amended paragraph:

[001] This application is a U. S. national stage of PCT Application No.

PCT/EP99/06818, filed September 15, 1999, the content of which is expressly incorporated herein by reference thereto.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest a *Bacillus subtilis* strain in which the *ywfl* gene has been deleted or made essentially non-functional nor does the prior art suggest a function for the *ywfl* gene product that might suggest why one of skill in the art would be motivated

Art Unit: 1652

to delete or render essentially non-functional the *ywfI* gene and have a reasonable expectation of success.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G Hutson whose telephone number is (703) 308-0066. The examiner can normally be reached on 7:30 am to 4:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on (703) 308-3804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/823,772

Page 5

Art Unit: 1652

A handwritten signature in black ink, appearing to read 'R. G. Hutson', with a long horizontal line extending to the right.

Richard G Hutson, Ph.D.
Primary Examiner
Art Unit 1652

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2/11/2004